

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EMANUEL L. SHOULDERSS,)	CASE NO. 3:06CV2913
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
ROB JEFFRIES, Warden,)	MEMORANDUM OPINION
)	AND ORDER
Respondent.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Emanuel L. Shoulders (“Petitioner”), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On February 7, 2007, this matter was referred to Magistrate Judge George J. Limbert for preparation of a report and recommendation (Dkt. # 6). On October 15, 2007, the Magistrate issued a report and recommendation, recommending that the Court deny the instant petition with prejudice because Petitioner’s claims were not cognizable in federal habeas proceedings and lacked merit. (Dkt. # 13).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court’s limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985); Howard v. Secretary of Health and

Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court notes that the docket in this matter indicates that Petitioner did not receive a copy of the Magistrate Judge's Report and Recommendation. (Dkt. # 14). The copy mailed to Petitioner at North Central Correctional Institution was returned marked "RTS/inmate released" and "not deliverable as addressed; unable to forward." (Dkt. # 14). This does not preclude the Court from adopting the Magistrate's Report and Recommendation and dismissing Petitioner's habeas petition. The Sixth Circuit has explained that a petitioner has "an affirmative duty to supply the court with notice of any and all changes in his address," and that a failure to do so will not excuse the petitioner from procedural requirements based upon a claimed lack of service. Holman v. Haskell, 9 F.3d 107, (6th Cir. 1993); see also Lewis v. Hardy, 2007 WL 2809969, *4 (5th Cir. 2007) ("Petitioner has a duty to keep the court apprised of [his] address changes. Therefore, he is solely responsible for not receiving [the Magistrate's Report and Recommendation].").

Therefore, the Report and Recommendation of Magistrate Judge Limbert (Dkt. # 13) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus (Dkt. # 1) is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – December 6, 2007
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE